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| 10/762,471   | 01/23/2004  | Masamichi Takahashi  | 118462              | 5465             |
| 25944 7590 11/28/2008<br>OLIFF & BERRIDGE, PLC<br>P.O. BOX 320850<br>ALEXANDRIA, VA 22320-4850 |             |                      |                     |                  |
| EXAMINER   |             |                      |                     |                  |
| ROBINSON BOYCE, AKIBA K  |             |                      |                     |                  |
| ART UNIT   |             | PAPER NUMBER         |                     |                  |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/762,471

**Applicant(s)**

TAKAHASHI ET AL.

**Examiner**

AKIBA K. ROBINSON BOYCE

**Art Unit**

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/24/08 has been entered.

### ***Status of Claims***

2. Due to communications filed 10/24/08, the following action final. Claims 1-4, 6-9, 11, 12 and 14 have been amended. Claims 1-18 are pending in this application, have been examined on the merits, and are rejected as follows. The previous rejection has been maintained with the exception of the newly added 35 U.S.C. 112 rejection based on amended claims.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter

which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In this case, claims 1-4, 6-9, 11, 12 and 14 have been amended to include "generating and evaluating scores", or just "scores". Examiner was not able to find the generation and/or evaluation of scores anywhere in the specification. Amended claims therefore fail to comply with the written description requirement, and the amendments are therefore not considered by the examiner.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masamichi et al (JP A 2003-085347), as cited by applicant, and further in view of Schlack (US 2007/0226628 A1).

As per claims 1, 6, 11, Masamichi et al discloses:

a concept analysis unit configured to examine activity data included in responses received from the groups to which inquiries were directed, to perform an analysis of the concepts that are used for the activities by the groups, and to generate concept data obtained as a result of the analysis, the concept data represents the

concepts/examining activity data...analyzing concepts... ([0046], taking the # of replies, # of speakers, etc, and computing index values); and

an evaluation unit configured to evaluate values of the activities, the concepts and the groups, or to generate and evaluate one or more values of one or more arbitrary combinations of the activities, the concepts and the groups based on the activity data and the concept data/evaluating, based on the activity data...([0046], comparative analysis of values, shows index change value is calculable).

Masamichi et al does not specifically disclose the following, however, does disclose the gathering, and analysis of a log of an organization communication in claim 2 of page 16.

However, Schlack discloses:

an inquiry unit configured to inquire directly to the groups concerning activities performed by the groups, each of the activities include one or more concepts/directing inquiries directly..., ([0020], shows surveys specific to the communities are used and created as activities and are monitored, and also shows focus groups that engage in activities and invited to engage in a product concept test designed to gather feedback, in this case, the actual unit is not explicitly expressed, however inherent since Schlack is focused on a browser-enabled system of software and services used to carry out the invention as shown in [0014]). Schlack discloses this limitation in an analogous art for the purpose of showing that surveys and feedback are used to determine information about user activity experiences.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to incorporate an inquiry unit with the motivation of having means for initiating an information gathering process.

As per claims 2, 7, 12, Masamichi et al discloses:

wherein the activity data include partner group data representing groups that have acted as partners for the activities, and activity contents data representing contents of the activities, ([0026] shows reading of communication groups for organizations, in this case, partnership is inherent with an organization since members of an organization are in the state of being in association or joint interest , w/ [0046], shows # of replies, # of speakers, etc., which represent contents, and the activities are represented by events);

wherein the concept analysis unit analyzes the activity contents data included in the activity data, and generates the concept data representing the concept of the activities/analyzing the activity contents...generating...([0046], taking the # of replies, # of speakers, etc, and computing index values); and

wherein, based on 1)either or both of the activity contents data and the concept data, and 2)the partner group data, the evaluation unit evaluates a number of groups that are influenced by either or both of the activities and the concepts, a magnitude and a range of an influence, or values of one or more arbitrary combinations of the number of groups, the magnitude of the influence, and the range of the influence/evaluating...([0046], comparative analysis of values, shows index change value is calculable).

As per claims 3, 8, 13, Masamichi et al discloses:

wherein the activities are propagation of information, wherein activity data includes information recipient data representing recipient groups of information and information contents data representing contents of the information that has been propagated/wherein the concept data include information recipient data representing recipient groups of information and information contents data representing the contents of the information that has been propagated, ([0024], [0026], shows use of mailing lists or (MLs), which represent a propagation of information, w/[0046], shows # of replies, # of speakers, etc., which represent contents of the information that has been sent with the mailing lists about activity or event data);

wherein the concept analysis unit analyzes the information content data included in the activity data, and generates the concept data that represents a concept of the information that has been propagated/analyzing...generating..., ([0046], taking the # of replies, # of speakers, etc, and computing index values);and

wherein, based on either or both of 1)the information content data and the concept data, and 2)the recipient group data, the evaluation unit evaluates a number of groups that are influenced by either or both of the information and concepts, a magnitude and the range of an influence, or one or more values of one or more arbitrary combinations of the number of groups, the magnitude of the influence, and the range of the influence/evaluating..., ([0046], comparative analysis of values, shows index change value is calculable).

As per claims 4, 9,14, Masamichi et al discloses:

wherein the activities are psychological activities, ([0071], viewpoint);

wherein activity data includes object group data representing objects for the psychological activities, and psychological activity contents data that represents contents of the psychological activities, ([0026] shows reading of communication groups for organizations, in this case, partnership is inherent with an organization since members of an organization are in the state of being in association or joint interest , w/ [0046], shows # of replies, # of speakers, etc., which represent contents, and the activities are represented by events);

wherein the concept analysis unit analyzes the psychological activity content data included in the activity data, and generates the concept data that represents the concepts of the psychological activities/analyzing the psychological activity...generating the content data..., ([0046], taking the # of replies, # of speakers, etc, and computing index values); and

wherein, based on 1)either or both of the psychological activity contents data and the concept data, and 2) the object group data, the evaluation unit evaluates a number of groups that are influenced by either or both of the psychological activities and the concepts, a magnitude of an influence and a range of the influence, or one or more values of one or more arbitrary combinations of the number of groups, the magnitude of the influence and the range of the influence, ([0026] shows reading of communication groups for organizations, in this case, partnership is inherent with an organization since members of an organization are in the state of being in association or joint interest , w/ [0046], shows # of replies, # of speakers, etc., which represent contents, and the activities are represented by events).



As per claims 5, 10, 15, Masamichi et al discloses:

wherein the groups are either or both of members and organizations that include one or more components, ([0246], # or replies, # of speakers, etc).'

As per claim 16, Masamichi et al discloses:

the concept analysis unit is configured to examine activity data included in responses received from the members of each group and to perform analysis of one or more concepts that are used for the activities performed by the members of each group, ([0046], taking the # of replies, # of speakers, etc, and computing index values).

Masamichi et al does not specifically disclose the following, however, does disclose the gathering, and analysis of a log of an organization communication in claim 2 of page 16.

However, Schlack discloses:

an inquiry unit configured to inquire directly to the groups concerning activities performed by the groups, each of the activities include one or more concepts/directing inquiries directly..., ([0020], shows surveys specific to the communities are used and created as activities and are monitored, and also shows focus groups that engage in activities and invited to engage in a product concept test designed to gather feedback, in this case, the actual unit is not explicitly expressed, however inherent since Schlack is focused on a browser-enabled system of software and services used to carry out the invention as shown in [0014]). Schlack discloses this limitation in an analogous art for

the purpose of showing that surveys and feedback are used to determine information about user activity experiences.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to incorporate an inquiry unit with the motivation of having means for initiating an information gathering process.

As per claims 17, 18, Masamichi et al discloses:

the analyzing analyses concepts that are used for the activities performed by the members of each group, ([0046], taking the # of replies, # of speakers, etc, and computing index values).

Masamichi et al does not specifically disclose the following, however, does disclose the gathering, and analysis of a log of an organization communication in claim 2 of page 16.

However, Schlack discloses:

the directing directs inquiries to members of each group about one or more activities performed by the members of each group, the examining examines activity data that are included in responses to the inquiries received from the members of each group..., ([0020], shows surveys specific to the communities are used and created as activities and are monitored, and also shows focus groups that engage in activities and invited to engage in a product concept test designed to gather feedback, in this case, the actual unit is not explicitly expressed, however inherent since Schlack is focused on a browser-enabled system of software and services used to carry out the invention as shown in [0014]). Schlack discloses this limitation in an analogous art for the purpose

of showing that surveys and feedback are used to determine information about user activity experiences.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to incorporate an inquiry unit with the motivation of having means for initiating an information gathering process.

### ***Response to Arguments***

6. Applicant's arguments filed 10/24/08 have been fully considered but they are not persuasive.

Applicant argues that Independent claims 1, 6 and 11, as amended, now substantive recite generating and evaluating scores and that during the July 17 personal interview, the Examiner suggested that (1) the word "scores" better encapsulated the intended scope of the claimed subject matter and (2) suggested amending the claims to recite that the claimed apparatus or method generates as well as evaluates those values. However, "scores" and/or "generating and evaluating scores" can not be found in the specification, and the amended claims now fail to comply with the written description requirement since they contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed

invention. The examiner is therefore unable to consider the newly added amendments, and the rejection remains maintained.

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akiba K Robinson-Boyce whose telephone number is 571-272-6734. The examiner can normally be reached on Monday-Friday 9am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the

•Patent Application Information Retrieval (PAIR) system, Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

A. R. B.  
November 23, 2008

/Akiba K Robinson-Boyce/  
Primary Examiner, Art Unit 3628